

From: lyle.stohlerlawpc.com
To: [Wilson, Joan M \(CED\)](#)
Cc: [CED AMCO Enforcement \(CED sponsored\)](#); [Sawyer, Jane Preston \(CED\)](#); [Chiesa, Michael R \(CED\)](#)
Subject: Re: Bona Fide restaurant discussion
Date: Tuesday, January 17, 2023 5:22:23 PM
Attachments: [6069-Skeetawk, AB-03 - denied.pdf](#)

Some people who received this message don't often get email from lyle@stohlerlawpc.com. [Learn why this is important](#)

Thanks Ms. Wilson

Per our conversation I would like to appeal to the board our denial of the attached application in accordance with AS 04.11.560(a). I believe the issue is surrounding whether or not we are a bona fide restaurant.

Thanks

Lyle Stohler
Stohler & Lonergan
518 E. Fireweed
Palmer, AK 99645
p. 745-8877
f. 745-8897

On Jan 17, 2023, at 4:40 PM, Wilson, Joan M (CED) <joan.wilson@alaska.gov> wrote:

An email is fine. In addition to sending it to me, I include the recipients in the cc section.

From: lyle stohlerlawpc.com <lyle@stohlerlawpc.com>
Sent: Tuesday, January 17, 2023 4:39 PM
To: Wilson, Joan M (CED) <joan.wilson@alaska.gov>
Subject: Re: Bona Fide restaurant discussion

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Ms. Wilson,

To appeal to the board does an e-mail suffice or is that a letter to board.

Thanks

Lyle Stohler
Stohler & Lonergan
518 E. Fireweed
Palmer, AK 99645
p. 745-8877
f. 745-8897

On Jan 17, 2023, at 4:31 PM, Wilson, Joan M (CED) <joan.wilson@alaska.gov> wrote:

Mr. Stohler:

The Board addressed the issue of what qualifies as a bona fide restaurant when it considered the matter at Tab 49 (Seward KOA). Here are the documents they reviewed.

<https://www.commerce.alaska.gov/web/Portals/9/pub/ABC/Minutes/2022/12.12/Tab49.pdf> I will get you the recording shortly.

Joan M. Wilson
Director
Alaska Alcohol & Marijuana Control Office
550 W. Seventh Avenue, Suite 1600
Anchorage, Alaska 99501
(907) 269-0350



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application**Why is this form needed?**

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrées prepared on-site and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Hatcher Alpine Xperience				
License Type:	Recreational Site	License Number:	6089		
Doing Business As:	Skeetawk				
Premises Address:	13500 N Skeetawk Circle				
City:	Palmer	State:	AK	ZIP:	99645
Contact Name:	Lyle Stohler	Contact Phone:	907-707-3496		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

1. ☒ Dining after standard closing hours: AS 04.16.010(c)
2. ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
3. ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
4. ☐ Employment for any persons under 21 years of age: AS 04.16.049(c)
NOTE: Under AS 04.16.049(d), a Department of Labor and Workforce Development work permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will only be allowed in the dining area.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Minors will not be allowed to work in the kitchen area. Every customer will be carded upon purchase of alcohol regardless of their age appearance. Alcohol will be locked when not directly attended by a kitchen worker. Staff will continually monitor for minors illegally gaining access to alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes

No



Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

LS

**Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.*



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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

10:30am - 6:30pm.

The opening time could be within this window depending upon the day or season for recreation activity, but we do not plan to be open earlier or later than this time.

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes
☒

No
☐

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Skeetawk is a recreational site that sometimes hosts concerts or other outdoor entertainment.

Food and beverage service offered or anticipated is:

☐

table service

☐

buffet service

☒

counter service

☐

other

If "other", describe the manner of food and beverage service offered or anticipated:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application**Section 7 – Certifications and Approvals**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

LS

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.
This menu includes entrées that are regularly sold and prepared by the licensee at the licensed premises.

LS

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site,
golf course, or restaurant or eating place license.

LS

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.

*(AB-03 applications that accompany a new or transfer license application will
not be required to submit an additional copy of their premises diagram.)*

LS

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

LS

Printed name of licensee

Signature of licensee

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied

Signature of local government official

11/30/22

Date



Printed name of local government official

Title



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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny


Signature of AMCO Enforcement Supervisor

James Hoelscher

Printed name of AMCO Enforcement Supervisor

☐☒

1/6/2023

Date

Enforcement Recommendations:

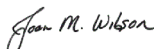
Denied: After inspection by Inv. Chiesa, it was determined that the licensee does not have a bona fide restaurant or eating place as defined under 3 AAC 304.910.

AMCO Director Review:

Approved

Denied

DocuSigned by:



1BF69780F2B141E...

Signature of AMCO Director

Joan M. Wilson

Printed name of AMCO Director

☐☒

1/10/2023

Date

Limitations:

Concur with denial. Please contact me if you have questions. (907) 269-0351



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUMLEAVY

Department of Environmental
Conservation

DIVISION OF ENVIRONMENTAL HEALTH
FOOD SAFETY & SANITATION PROGRAM

1700 E. Bogard Road
Bldg. B Suite 103
Wasilla, Alaska, 99654
Main: 907.376.1871
fax: 907.376.2382
www.dec.alaska.gov/eh/fss
krista.veydahl@alaska.gov

November 15, 2022

Skeetawk
Attn: Megan Justus
13500 Palmer Fishhook Rd
Palmer, AK 99645
Re: Plan Review Approval for Skeetawk

Facility: 9643 Permit ID: 13336

Dear Mrs. Megan Justus

Thank you for submitting your Food Establishment Application and Plan Review Application for Skeetawk 13500 Palmer Fishhook Rd., AK 99645.

This letter serves as approval of your plan review application. A pre-operational inspection from our Department will be required in order for you to start operating. The inspection should take about 30 minutes to complete. Please give me a call at 907-376-1857 to schedule your inspection.

Here is a link that has resources that may be helpful for you and your facility, which address common food safety risk factors: <https://dec.alaska.gov/eh/fss/risk-factor-resources/>.

Please notify our office if there are any significant changes to the facility, style of service, location of service, ownership, or menu changes.

If you have any questions please do not hesitate to contact one of our Environmental Health Officers in our Wasilla office: Krista Weydahl at (907) 376-1857 / krista.veydahl@alaska.gov or Nathan Maxwell at (907) 376-1854 / nathan.maxwell@alaska.gov.

Sincerely,

A handwritten signature in black ink that reads "K. Weydahl".

Krista Weydahl
Environmental Health Officer



**Alaska Food Code
2022 Establishment Permit**

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 13336
Issued to: **HATCHER ALPINE XPERIENCE**
For: **Skeetawk**
For Operation of: **FF-6 Deli/Takeout/Drive-in Food Service**
Located at: **13500 Palmer Fishhook RD Palmer, AK 99645**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2022

Program Manager:

A handwritten signature in black ink, appearing to read "Kendy S. O'V", is written over the printed name of the Program Manager.

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



HATCHER ALPINE XPERIENCE
PO BOX 924
Palmer, AK 99645

YOUR PERMIT IS PRINTED ON THE REVERSE SIDE OF THIS PAGE.

Davies, Jason M (CED)

From: Chiesa, Michael R (CED)
Sent: Thursday, January 5, 2023 6:07 PM
To: Davies, Jason M (CED)
Cc: Hoelscher, James C (CED)
Subject: Re: #6089 dba Skeetawk - Alcohol License Status
Attachments: 20230105_134648.jpg; 20230105_142242.jpg; 20230105_142308.jpg; 20230105_142236.jpg; 20230105_142303.jpg; 20230105_142251.jpg; 20230105_142312.jpg; 20230105_142323.jpg

Categories: CHECK BACK AND COMPLETE

Hi Jason ,

As for the RDP, attached are photos of their menu and their food service area. They will not be making the food on site. It is all prepared food they will be heating and selling.

They have:

1. Microwave
2. Hot dog roller
3. A warming pot for chili / soup
4. A warm food case
5. Espresso machine
6. Sinks

There is no stove, grill or oven. The food will not be prepared on site.

Investigator Michael Chiesa
AMCO Enforcement

From: Davies, Jason M (CED) <jason.davies@alaska.gov>
Sent: Friday, December 30, 2022, 12:23
To: Chiesa, Michael R (CED) <michael.chiesa@alaska.gov>
Subject: FW: #6089 dba Skeetawk - Alcohol License Status

Afternoon Mike,

This recreation license is requesting an inspection. One thing to note, is they have filled out a restaurant designation permit. With out being on site, I don't know if they qualify for the permit or not with out a kitchen. I've attached the RDP application and AB-14 (I have not completed either) for reference. Also, they have not provided a menu with the AB-03 application, which is required per policy. Let me know a time and date that you head out there.

Thank you,

Jason M Davies – Criminal Justice Tech II
AMCO/ENFORCEMENT
jason.davies@alaska.gov
907-754-3410



MENU

BREAKFAST SANDWICH \$4.00
HOTDOG... \$4.00 * CHILI DOG... \$6.00
BOWL of CHILI \$4.00
CHIPS..... \$3.00 * COOKIES... \$2.00

	8oz	12oz	16oz
AMERICANO.....	2.50	3.00	3.50
BREVE.....	3.50	4.00	4.50
CAPPUCCINO.....	3.50	4.00	
CHAI LATTE.....	3.50	4.00	4.50
DOPPIO.....	2.00		
HOT APPLE CIDER.....	2.50	3.00	3.50
HOT CHOCOLATE.....	2.50	3.00	3.50
LATTE.....	3.50	4.00	4.50
MACCHIATO.....	4.00		
MOCHA.....	4.00	4.50	5.00
STEAMER.....	2.50	3.00	3.50
TEA.....	1.50	2.00	2.50

FLAVOR/EXTRA SHOT - 50¢

203 KOMBUCHA..... 16.00... 5.00

Add 25¢
off order
top

FLAVORS

- Vanilla
- Irish Cream

















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Anchorage, AK 99501

alcohol.licensing@alaska.gov

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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The **second page** of this form may not be required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



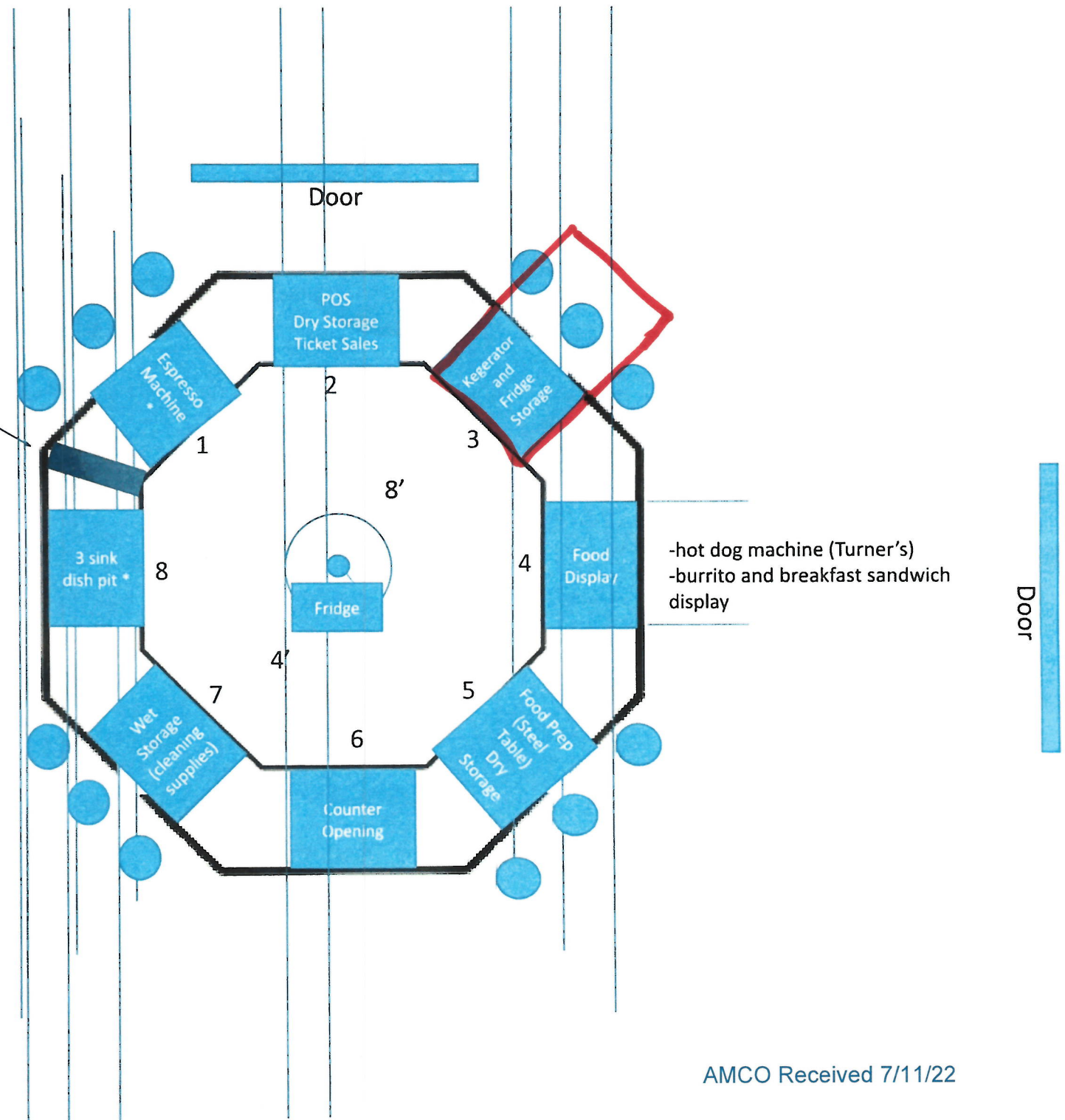
Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Hatcher Alpine Xperience	License Number:			
License Type:	Recreational Site License				
Doing Business As:	Skeetawk				
Premises Address:	13500 N Skeetawk Circle				
City:	Palmer	State:	AK	ZIP:	99645

Partition must be installed between dish pit and espresso machine

*require plumbing





Matanuska-Susitna Borough, Microsoft

HATCHER ALPINE XPERIENCE dba SKEETAWK
Outdoor Consumption Area
Indoor/Outdoor Service and Storage Area

1. All minors must be accompanied by a parent, legal guardian or a spouse that has reached the age of 21 while in the restricted area when any alcohol is being sold/served/consumed.
2. All patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. >3ft high plastic fencing is around the outdoor consumption area. A >3ft high wooden fencing is around the outdoor/indoor service and storage area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted at the entrances of the outdoor service and consumption area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. All safety related operations for our current liquor service will additionally be enforced in the new service area.
10. Proper signage at points of entry indicating no minors without a parent, legal guardian or spouse of legal age will be posted.
11. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
12. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
13. Servers will monitor the outdoor area to monitor consumption.
14. All alcohol will be stored in a locked storage area, and will be kept locked in times when service is not conducted.